IH-32 Rev: 2014-1

# United States District Court
for the
Southern District of New York
Related Case Statement

Full Caption of Later Filed Case:

Lawrence Tomscha

Plaintiff

vs.

Janice E. Bracey

Defendant

Case Number

16 CV 1917

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

Lawrence E. Tomscha

Plaintiff

vs.

Karen E. Poole

Defendant

Case Number

16 CV 1263 (KPF)

IH-32 Rev: 2014-1

Status of Earlier Filed Case:

☐ Closed (If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)

☑ Open (If so, set forth procedural status and summarize any court rulings.)

A summons and complaint were filed and served on Ms. Poole on or about February 23, 2016. Defendant has not yet answered or otherwise responded to the Complaint.

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

Both matters arise out of an incident on May 5, 2015, during which Ms. Poole and Ms. Bracey visited a sick employee at the Government Services Administration ("GSA") offices located at 26 Federal Plaza. During this visit, Mr. Tomscha reportedly made obscene gestures and remarks towards Ms. Poole. The GSA initiated a fact-finding inquiry and both Ms. Poole and Ms. Bracey are cooperating with the inquiry. Mr. Tomscha alleges that Ms. Poole's statements to the GSA concerning his obscene gestures and remarks constitute defamation. The Government believes that Mr. Tomscha's already-pending separate defamation suit against Ms. Bracey relates to statements she has made to the GSA concerning Mr. Tomscha's obscene gestures and remarks to Ms. Poole on the same occasion on May 5, 2015.

Signature: /s/ Jacob M. Bergman Date: March 16,2016

Firm: United States Attorney's Office - SDNY